

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4516 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DAHYABHAI H PATEL

Versus

STATE OF GUJARAT

Appearance:

MR PV HATHI for Petitioner
MR MUKESH PATEL for Respondents No. 1, 2
None present for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/02/97

ORAL JUDGEMENT

1. The petitioner, a Veterinary Officer in the office of the Director of Animal Husbandry, Ahmedabad, filed this Special Civil Application and challenge has been made to the order dated 12th October, 1982, under which the petitioner was ordered to be given the selection grade with effect from 25th June, 1979 instead of 19th October, 1971. The petitioner was given the

selection grade from 1-11-1971 and under the impugned order that date was sought to be changed depriving the petitioner of about eight increments.

2. The counsel for the petitioner raised one of the contentions that the order dated 12-10-1982, revising the date of selection grade of the petitioner has been made in breach of the principles of natural justice as no notice or an opportunity of hearing was given to him. This order resulted in loss of eight grade increments to the petitioner.

3. The reply to the Special Civil Application has been filed in the present case by the respondents, but it is not the case of the respondents in the reply that the order dated 12th October, 1982, has been made after complying with the principles of natural justice. In para No.10 of the reply, the respondents have admitted that no notice or opportunity of hearing has been given to the petitioner before passing of the order dated 12th October, 1982.

4. On this short ground, this Special Civil Application deserves to be accepted. Order accordingly. The respondent No.2 is directed to afford an opportunity of hearing to the petitioner in the matter and then pass an appropriate order to fix the date from which he shall be entitled for the selection grade. This exercise shall be undertaken by the respondent No.2 within a period of three months from the date of receipt of writ of this order. Rule is made absolute in the aforesaid terms with no order as to costs.
